

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALEJANDRO CUNNINGHAM,)	
Petitioner,)	
)	3:24-cv-00014
v.)	
)	
MERRICK GARLAND, et al.,)	
Respondents.)	

**MEMORANDUM ORDER DISMISSING PETITION AS MOOT AND ADOPTING
REPORT AND RECOMMENDATION**

Before the Court is Petitioner Alejandro Cunningham’s Petition for Writ of Habeas Corpus, filed while he was in Immigration and Customs Enforcement (ICE) custody at the Moshannon Valley Processing Center. (ECF No. 4). Cunningham—a Jamaican national—was ordered removed from the United States in May 2023. (ECF No. 4 at 3). He filed this petition in early 2024, challenging the duration of his post-removal-period detention and seeking immediate release from ICE custody. (ECF No. 4 at 5-8). While his Petition was pending, Cunningham was deported. Shortly thereafter, the Respondents filed a Notice of Suggestion of Mootness, informing the Court of Cunningham’s deportation and arguing that the case should be dismissed as moot. (ECF No. 15).

The Petition was referred to Magistrate Judge Patricia L. Dodge. Judge Dodge submitted her Report and Recommendation on July 24, 2024. (ECF No. 16). Judge Dodge recommended that the Petition be dismissed as moot. (ECF No. 16 at 2-3). Judge Dodge sent her Report and

Recommendation to Cunningham's last known address and instructed him that he had fourteen days to file objections.¹ No objections were received.

Notwithstanding the lack of objections, the Court has given full and careful consideration to Petition, the parties' briefing, and the Report and Recommendation. Upon such consideration, the Court concludes that the disposition recommended by Judge Dodge is correct. Cunningham's Petition became moot once he was deported and therefore released from ICE custody. *See Lindaastuty v. Attorney General*, 186 F. App'x 294, 298 (3d Cir. 2006) ("[B]ecause [the Petitioner] has already been deported and is, therefore, no longer in custody, the challenge to her detention is moot and the habeas petition must be dismissed.").

Accordingly, it is hereby ordered that the Petition for Writ of Habeas Corpus (ECF No. 4) is DISMISSED AS MOOT, and the Report and Recommendation of the Magistrate Judge (ECF No. 16) is ADOPTED as the Opinion of the Court. The Clerk shall close the case on the docket.

s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge

Dated: January 14, 2025

¹ The Report and Recommendation was mailed to Cunningham at the Moshannon Valley Processing Center. At the time the R&R was mailed, it appears that Cunningham no longer resided at Moshannon, but the Court did not have another address for him. Although he had been informed of his obligation to inform the Court of a change in address and warned that failure to do so could lead to dismissal, (ECF No. 6), Cunningham did not provide the Court with an updated address, and Moshannon remains his address of record.